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EXAMINER

MONFELDT, SARAH M

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,360	<b>Applicant(s)</b> DAVIES ET AL.	
	<b>Examiner</b> SARAH M. MONFELDT	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**  
**Status of Claims**

1. This action is in reply to the RCE and Amendment/Response filed on 23 July 2008.
2. Claims 14, 26, 31, 34, 36-37, 39 were amended.
3. Claims 44-45 were added.
4. Claims 1-14, 16-45 are currently pending and have been examined.

**Claim Rejections - 35 USC § 112**

5. The rejection of Claims 39-40 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement has been withdrawn in view of Applicants amendment and comments.

**Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 14, 16-25, 34, 36-37 remain rejected under 35 U.S.C. 102(b) as being anticipated by Adam et al. (US 2002/0181710).

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Claim 14 –**

As per claim 14, Adam et al., at least at Figs. 1-7, 9-11; paragraphs [0023], [0026]-[0029], [0111], [0114]-[0115], [0122]-[0129], [0131]-[0132]; [0119], [0156], [0168], disclose *a payment apparatus for use in authorised transactions* having the limitations of:

- *at least one client device provided with an input for communicating with one or more mobile devices; and*
- *at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;*

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- *wherein the at least one client device is adapted to receive from a mobile device identity information for said mobile device and a first part of the authorization data comprising one of a personal identification number and code specific to said personal identification number via its input and to send said first part of the authorization data to the at least one server;*
- *wherein the at least one server device is adapted to store said mobile device identity information and said authorization data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction.*

**Claim 16 –**

As per claim 16, Adam et al. in view of Maes teach the payment apparatus of claim 14 as described above. Adam et al., at least at paragraph [0123], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein each client device is connected to a point of sale terminal.*

**Claim 17 –**

As per claim 17, Adam et al. in view of Maes teach the payment apparatus of claim 14 as described above. Adam et al., at least at [0115], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one server device is provided on a networked computing platform in a secure location.*

**Claim 18 –**

As per claim 18, Adam et al. in view of Maes teach the payment apparatus of claim 17 as described above. Adam et al., at least at paragraphs [0127]-[0129], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the second part of the authorisation data is stored by the at least one server device, or can be accessed by it, in fulfilling a service request from the client device(s).*

**Claim 19 –**

As per claim 19, Adam et al. in view of Maes teach the payment apparatus of claim 14 as described above. Adam et al., at least at paragraphs [0127]-[0129], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

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- *wherein the apparatus is further provided with a mapping capability for mapping the first part of the authorisation data to the second part.*

**Claim 20 –**

As per claim 20, Adam et al. in view of Maes teach the payment apparatus of claim 19 as described above. Adam et al., at least at paragraphs [0128]-[0129], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the mapping capability is provided by the at least one server device.*

**Claim 21 –**

As per claim 21, Adam et al. in view of Maes teach the payment apparatus of claim 14 as described above. Adam et al., at least at paragraphs [0170]-[0173], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one server device is provided with at least one further client device so that it can initiate a service request to another server device.*

**Claim 22 –**

As per claim 22, Adam et al. in view of Maes teach the payment apparatus of claim 14 as described above. Adam et al., at least at Figs. 1-2, 4-5, 9-11; paragraph [0123], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein each input for communicating with one or more mobile devices supports a wireless connection.*

**Claim 23 –**

As per claim 23, Adam et al. in view of Maes teach the payment apparatus of claim 22 as described above. Adam et al., at least at paragraph [0123], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the wireless connection has a range of 0.5 meters or less.*

**Claim 24 –**

As per claim 24, Adam et al. in view of Maes teach the payment apparatus of claim 22 as described above. Adam et al., at least at paragraph [0123], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

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- *wherein the wireless connection comprises an infrared connection.*

**Claim 25 –**

As per claim 25, Adam et al. in view of Maes teach the payment apparatus of claim 14 as described above. Adam et al., at least at paragraphs [0113], [0129], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *further comprising validation means for validating a unique identifier for each mobile device.*

**Claim 34 –**

As per claim 34, Adam et al., at least at Figs. 1-7, 9-11; paragraphs [0111], [0114]-[0115], [0123], [0126]-[0129]; [0119], [0156], [0168], disclose *a payment system for use in user transactions, each transaction giving rise to a price list for goods or services covered by the transaction, wherein each user has at least one associated identifier including identity information for a mobile device of said user, the payment system* having the limitations of:

- a data store for storing user specific data in association with at least one of said identifiers; and
- a price list processor for processing a price list arising from a transaction,
- wherein the system further comprises an input for receiving identifiers and the price list processor is adapted to process a price list arising from a transaction by applying user specific data from the data store, the user specific data being associated with an identifier received in relation to said transaction.

**Claim 36 –**

As per claim 36, Adam et al., at least at Figs. 1-7, 9-11; paragraphs [0111], [0114]-[0115], [0123], [0126]-[0129], [0175]-[0177], [0119], [0156], [0168], disclose *a method of authorising a transaction* having the limitations of:

- receiving an identifier including identity information for a mobile device;
- using the identifier to locate a set of one or more authorisation codes for payment systems;
- receiving transaction information; and
- authorising the transaction information with a payment system by use of an authorisation code from said set.

**Claim 37 –**

As per claim 37, Adam et al., at least at Fig. 10, paragraphs [0175]-[0177], [0119], [0156], [0168], disclose *a method of providing a receipt in respect of a transaction* having the limitations of:

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- receiving transaction information from a communication device having an address in a public network;
- making a transaction in respect of goods or services;
- generating a receipt in respect of the transaction;  
transmitting the generated receipt to a communication device having a different address in a public network.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-11, 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 2002/018170) in view of Shore (US 2003/0149662).

#### **Claim 1 –**

As per claim 1, Adam et al., at least at Figs. 1-7, 9-11; paragraphs [0023], [0026]-[0029], [0111], [0114]-[0115], [0122]-[0129], [0131]-[0132]; [0119], [0156], [0168], disclose *a payment apparatus for use in authorised transactions* having the limitations of:

- *i) at least one client device provided with an input for communicating with one or more mobile devices; and*
- *ii) at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;*
- *wherein the at least one client device is adapted to receive from a mobile device a first part of the authorization data and identity information for said mobile device via its input and send said first part of the authorization data and the mobile device identity information to the at least one server;*
- *wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorizing transactions, said at least one server device*

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*being adapted to store a second part of the authorisation data comprising financial data relating to a user of the mobile device in association with said first part of the authorisation data and the mobile device identity information and, in response to receiving said first part of the authorisation data and the mobile device identity data, to verify said authorisation data and to retrieve said second part of the authorization data comprising the user's financial data to complete a transaction, and*

- *wherein the at least one server device is provided with a user data maintenance process for storing and updating user data in the user data store.*

Adam et al. do not explicitly disclose the following limitations:

- *a user data maintenance process for storing and updating user data in the user data store.*

Shore teach a user data maintenance process for storing and updating user data in the user data store (see at least Figs. 24, 26, 28; paragraphs [0427]-[0429]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. to include user menu to update the persons profile and financial data as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in this way since allowing a user to update personal and financial information ensures that the users information is up to date.

#### **Claim 2 –**

As per claim 2, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraph [0113], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein at least one set of user-specific data is stored in association with a said first part of the authorisation data.*

#### **Claim 3 –**

As per claim 3, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraphs [0115], [0126], [0128], [0142], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *further comprising a list processor for processing a list of items covered by a transaction.*

#### **Claim 4 –**



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As per claim 4, Adam et al. in view of Shore teach the payment apparatus of claim 3 as described above. Adam et al., at least at paragraphs [0115], [0128]-[0129], [0142], [0144]-[0150], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the list processor is adapted to access user-specific data for use in processing a list in the course of a transaction.*

**Claim 5 –**

As per claim 5, Adam et al. in view of Shore teach the payment apparatus of claim 4 as described above. Adam et al., at least at paragraphs [0142], [0144]-[0150], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the list processor is adapted to use said user-specific data to apply a discount in relation to said transaction.*

**Claim 6 –**

As per claim 6, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraph [0152], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the apparatus is further provided with a connection, in use, to a public network.*

**Claim 7 –**

As per claim 7, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraph [0177], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the apparatus is further provided with a receipt generator for generating transaction receipts, and the receipt generator is adapted to refer to user-specific data in generating a transaction receipt.*

**Claim 8 –**

As per claim 8, Adam et al. in view of Shore teach the payment apparatus of claim 7 as described above. Shore, at least at paragraph [0430], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the user-specific data includes a public network address for at least one user and the receipt generator is adapted to transmit a transaction receipt to said public network address.*

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The motivation for making this modification to the teachings of Adam et al. is the same as that set forth above, in the rejection of Claim 1.

**Claim 9 –**

As per claim 9, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Shore, at least at paragraphs [0427]-[0429], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein each set of user-specific data is stored in association with a respective user identifier.*

The motivation for making this modification to the teachings of Adam et al. is the same as that set forth above, in the rejection of Claim 1.

**Claim 10 –**

As per claim 10, Adam et al. in view of Shore teach the payment apparatus of claim 9 as described above. Shore, at least at paragraphs [0427]-[0429], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein more than one user identifier may be stored in relation to at least one user, a different set of user-specific data being stored in association with each user identifier related to that user.*

The motivation for making this modification to the teachings of Adam et al. is the same as that set forth above, in the rejection of Claim 1.

**Claim 11 –**

As per claim 11, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Shore, at least at paragraphs [0063], [0140], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein, in use, at least one set of user-specific data comprises an ordered list of funds.*

The motivation for making this modification to the teachings of Adam et al. is the same as that set forth above, in the rejection of Claim 1.

**Claim 38 –**

As per claim 38, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraphs [0118]-[0122], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

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- *wherein the at least one client device is adapted to receive a first part of the authorisation data input into the mobile device in real time by a user of said mobile device.*

**Claim 39 –**

As per claim 39, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraphs [0118]-[0122], [0126], [0131]-[0132] further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is adapted to receive separately the first part of the authorisation data and the mobile device identity information from the mobile device.*

**Claim 40 –**

As per claim 40, Adam et al. in view of Shore teach the payment apparatus of claim 39 as described above. Adam et al., at least at paragraphs [0126]-[0132], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is adapted to issue a request to the mobile device is adapted to issue a request to the mobile device requesting the mobile device identity information in response to receiving the first part of the authorization data from the mobile device.*

**Claim 41 –**

As per claim 41, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraphs [0122], [0126], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the first part of the authorization data comprises a user personal identity number 'PIN'.*

**Claim 42 –**

As per claim 42, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraphs [0122]-[0123], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is located at the point of sale 'POS'.*

**Claim 43 –**

As per claim 43, Adam et al. in view of Shore teach the payment apparatus of claim 1 as described above. Adam et al., at least at paragraphs [0128], [0131], further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

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- *wherein the at least one server device connects to a finance system associated with the user of the mobile device to complete the transaction.*

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 2002/018170) in view of Shore (US 2003/0149662) as applied to claims 1-11 above, further in view of Schutzer et al. (US 5920848).

**Claim 12 –**

As per claim 12, Adam et al. in view of Shore teach the payment apparatus of claim 11 as described above. Adam et al. in view of Shore do not explicitly disclose the following limitations:

- *wherein said ordered list is sorted according to type of goods.*

Schutzer et al. teach wherein said ordered list is sorted according to type of goods (see at least Fig. 15; col. 14, ll. 33-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. in view of Shore to include an expense summary as taught by Schutzer et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in view of Shore in this way since an account summary allows a user to observe an expense category with its corresponding average balance (see at least col. 14, ll. 33-38 of Schutzer et al.).

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 2002/018170) in view of Shore (US 2003/0149662) as applied to claims 1-11, 14, 16-25, 34, 36-43 above, further in view of Grunbok, Jr. et al. (US 6305603).

**Claim 13 –**

As per claim 13, Adam et al. in view of Shore teach the payment apparatus of claim 11 as described above. Adam et al. in view of Shore do not explicitly disclose the following limitations:

- *wherein the at least one server device is provided with a scanning process for scanning through the ordered list until a sufficient balance is found to complete a transaction.*

Grunbok, Jr. et al. teach wherein the at least one server device is provided with a scanning process for scanning through the ordered list until a sufficient balance is found to complete a transaction (see at least col. 6, ll. 20-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. in view of Shore to include a user access to financial accounts with immediate updated feedback from the financial institutions accessed as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in view of Shore in this way since it allows the user to receive more

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accurate account information which helps to prevent user overdrafts (see at least col. 6, ll. 31-35 of Grunbok, Jr. et al.).

13. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 2002/018170) in view of Grunbok, Jr. et al. (US 6305603).

**Claim 26 –**

As per claim 26, Adam et al., at least at Figs. 1-7, 9-11; paragraphs [0023], [0026]-[0029], [0111], [0114]-[0115], [0122]-[0129], [0131]-[0132]; [0119], [0156], [0168], disclose *a payment apparatus for use in authorised transactions* having the limitations of:

- *at least one client device provided with an input for communicating with one or more mobile devices;*
- *at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction comprising a transfer of funds between financial accounts and including verification of authorisation data; and*
- *wherein the at least one client device is adapted to receive identity information for a mobile device and a first part of the authorization data via its input from said mobile device and to send said identity information for said mobile device and said first part of the authorization data to the at least one server, and the at least one server device is adapted to store said identity information for said mobile device and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorization data and said identity information for said mobile device, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to support a transaction comprising a transfer of funds at least on part by updating the data representing a cash amount.*

*Adam et al. do not explicitly disclose the following limitations:*

- *update means for updating data representing a cash amount,*

Grunbok, Jr. et al. teach update means for updating data representing a cash amount (see at least col. 6, ll. 20-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. to include a user access to financial accounts with immediate updated feedback from the financial institutions accessed as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in this way since it allows the user to receive more accurate account information which helps to prevent user overdrafts (see at least col. 6, ll. 31-35 of Grunbok, Jr. et al.).

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**Claim 27 –**

As per claim 27, Adam et al. in view of Grunbok, Jr. et al., teach the payment apparatus of claim 26 as described above. Grunbok, Jr. et al., at least at col. 6, ll. 20-31, further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- *wherein said data representing a cash amount is held, in use, on the one or more mobile devices.*

The motivation for making this modification to the teachings of Adam et al. is the same as that set forth above, in the rejection of Claim 26.

**Claim 28 –**

As per claim 28, Adam et al. in view of Grunbok, Jr. et al. teach the payment apparatus of claim 26 as described above. Adam et al., at least at paragraph [0128], further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- *wherein said data representing a cash amount is held, in use, on the at least one server device.*

14. Claims 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. in view of Grunbok, Jr. et al. as applied to claims 26-28 above, and further in view of Shore and Zingher et al. (US 2004/0015450).

**Claim 29 –**

As per claim 29, Adam et al. in view of Grunbok, Jr. et al. teach the payment apparatus of claim 26 as described above.

Adam et al. in view of Grunbok, Jr. et al. do not explicitly disclose the following limitations:

- *the update means being adapted to respond to a transaction including verification of authorisation data by increasing the cash amount*

Shore teach the update means being adapted to respond to a transaction including verification of authorisation data by increasing the cash amount (see at least Figs. 17a-d; paragraphs [0342]-[0346]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. in view of Grunbok, Jr. et al. to include the ability of a user to download ecash as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in view of Grunbok, Jr. et al. in this way since the user is prompted to select an amount from a list of pre-set amounts or input an amount which in turn

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the Financial Service provider verifies that the user has sufficient funds to cover the requested amount before the ecash is downloaded (see at least paragraph [0345] of Shore).

Adam et al. in view of Grunbok, Jr. et al. do not explicitly disclose the following:

- *wherein the payment apparatus is adapted to support one or more unauthorised transactions, the update means being adapted to respond to a transaction including an unauthorised transaction by decreasing the cash amount.*

Zingher et al. teach wherein the payment apparatus is adapted to support one or more unauthorised transactions the update means being adapted to respond to a transaction including an unauthorised transaction by decreasing the cash amount (see at least paragraph [0017]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. in view of Grunbok Jr., et al. to include a duress transaction by limiting the funds available from a customer's account as taught by Zingher et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in view of Grunbok, Jr. et al. in this way since by limiting the funds available from customer's account helps to ensure that a criminal does not get away with large sums of money (see at least paragraph [0017] of Zingher et al.).

15. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. in view of Grunbok, Jr. et al. as applied to claims 26-27 above, and further in view of Shore.

**Claim 30 –**

As per claim 30, Adam et al. in view of Grunbok, Jr. et al. teach the payment apparatus of claim 26 as described above. Adam et al., at least at paragraph [0128], further discloses a payment apparatus for use in authorised transactions having the limitations of:

- *wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorising transactions,*

Adam et al. in view of Grunbok, Jr. et al. do not explicitly disclose the following limitations.

- *a user data maintenance process for storing and updating user data in the user data store.*

Shore teach a user data maintenance process for storing and updating user data in the user data store (see at least Figs. 24, 26, 28; paragraphs [0427]-[0429]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. to include user menu to update the persons profile and financial data as taught by Shore. One of ordinary skill in the art

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at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in this way since allowing a user to update personal and financial information ensures that the users information is up to date.

16. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. in view of Shore.

**Claim 31 –**

As per claim 31, Adam et al., at least at Fig. 10, paragraphs [0175]-[0177]; [0119], [0156], [0168], disclose *a receipting system for use in a purchasing transaction* having the limitations of:

- *an input for receiving transaction information;*
- *a receipt generator for generating a receipt for a notified payment;*
- *a data store for storing network addresses; and*
- *an interface to a network for transmitting a generated receipt to a network address,*
- *wherein each transaction has an associated identifier including identity information for a mobile device and*

Adam et al. do not explicitly disclose the following limitations:

- *the data store stores network addresses in association with transaction identifiers such that each generated receipt can be transmitted to a network address associated with the transaction giving rise to the generated receipt.*

Shore teach the data store stores network addresses in association with transaction identifiers such that each generated receipt can be transmitted to a network address associated with the transaction giving rise to the generated receipt (see at least paragraph [0429]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. to an e-mail address as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in this way since allowing a user to update personal and financial information ensures that the users information is up to date.

**Claim 32 –**

As per claim 32, Adam et al. in view of Shore teach the receipting system of claim 31 as described above. Adam et al., at least at paragraphs [0126]-[0129], further discloses *a receipting system for use in a purchasing transaction* having the limitations of:

- *wherein at least one identifier associated with a transaction comprises or represents a personal identification number.*



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**Claim 33 –**

As per claim 33, Adam et al. in view of Shore teach the receipting system of claim 31 as described above. Shore, at least at paragraph [0427]-[0429], further discloses a receipting system for use in a purchasing transaction having the limitations of:

- wherein the data store is adapted to store one or more sets of user-specific data for use in authorising transactions, and a user data maintenance process for storing and updating user data in the user data store, said network addresses being stored as user-specific data.

The motivation for making this modification to the teachings of Adam et al. is the same as that set forth above, in the rejection of Claim 31.

17. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. as applied to claim 34 above, and further in view of Shore.

**Claim 35 –**

As per claim 35, Adam et al. in view of Shore teach the payment system of claim 34 as described above. Adam et al. do not explicitly disclose the following limitations:

- *wherein at least one user has at least two associated identifiers and the data store, in use, stores different user specific data in association with each respective identifier associated with said at least one user.*

Shore teach wherein at least one user has at least two associated identifiers and the data store, in use, stores different user specific data in association with each respective identifier associated with said at least one user (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. to include one of several credit or bank accounts, or electronic cash as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in this way since this allows a user to chose from one of several accounts (see at least paragraph [0063] of Shore).

18. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 2002/018170) in view of Shore (US 2003/0149662), as applied to claims Claims 1-11, 38-43 above, further in view of Swift et al. (US 2003/0187796) or Rau et al. (WO 02/11019), further in view of Sohaei et al. (WO 02/09308).

**Claim 44 –**

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As per claim 44, Adam et al. in view of Shore teach the payment apparatus of claim 40 as described above. Adam et al. in view of Shore do not specifically disclose:

- *wherein in response to entry of the first part of the authorization data into the mobile phone, the mobile phone is adapted to perform a handshake operation with the client device and the client device is adapted to then issue said request to the mobile device requesting the mobile device identity information in response to receiving the first part of the authorization data from the mobile device.*

Swift et al. or Rau et al. in view of Sohaei et al. teach *wherein in response to entry of the first part of the authorization data into the mobile phone, the mobile phone is adapted to perform a handshake operation with the client device and the client device is adapted to then issue said request to the mobile device requesting the mobile device identity information in response to receiving the first part of the authorization data from the mobile device* (see at least paragraphs [0040]-[0041]; [0043]; [0062]-[0063]; [0094]-[0095] of Swift et al. – see at least Abstract, pg. 2, ll. 23-25, 29-31; pg. 3, ll. 17-19; pg. 5, ll. 7-17, 23; pg. 6, ll. 10-11, 17-18 of Rau et al. – see at least pg. 9, ll. 19-20, 24-26, 30-31; pg. 10, ll. 1-7 of Sohaei et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Adam et al. in view of Shore et al. to include communication between a POS and a transponder in which a datalink is accomplished by continually transmitting a handshake request signal from a the base system until a signal is received form the transponder in response or the transponder continually transmitting the handshake request signal until a signal is received from the base system in response as taught by Swift et al. or Rau et al. in view of Sohaei et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Adam et al. in view of Shore et al. in this way since once a handshake request signal is sent and a response is received, the data link is established and allows for bidirectional data transfers between the transponder and the base system (see at least pg. 10, ll. 5-7 of Sohaei et al.).

**Claim 45 –**

As per claim 45, Adam et al. in view of Shore teach the payment apparatus of claim 45 as described above. Adam et al. or Swift et al. or Rau et al. or Sohaei et al., further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the client device is adapted to read the mobile device identity information from a shared memory in the mobile device via a client device contactless reader. (see at least paragraphs [0119], [0156], [0168] of Adam et al. – see at least paragraphs [0040]-[0041]; [0043]; [0062]-[0063]; [0094]-[0095] of Swift et al. – see at least Abstract, pg. 2, ll. 23-25, 29-31; pg. 3, ll. 17-19;*

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pg. 5, ll. 7-17, 23; pg. 6, ll. 10-11, 17-18 of Rau et al. – see at least pg. 9, ll. 19-20, 24-26, 30-31; pg. 10, ll. 1-7 of Sohaei et al.)

The motivation for making this modification to the teachings of Adam et al. in view of Shore is the same as that set forth above, in the rejection of Claim 44.

### ***Response to Arguments***

19. Applicant's arguments filed 23 July 2008 have been fully considered but they are not persuasive.

- a. During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). Furthermore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Please note that “mobile device identity information” does not have an explicit definition in the specification and therefore, limitations from the specification can not be read into the claims. As such, the Examiner maintains that Adams et al. discloses the claimed “mobile device identity information”. The Examiner notes paragraph [0018] of Applicants published specification recites “Preferably, the mobile device itself has a unique identifier, such as a telephone number, associated with it.”. Please note that this is not an explicit definition and that this definition is open-ended. The Examiner further notes that the specification does not appear to disclose SIM card as argued by Applicants.
- b. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., mobile device identity is described as being the mobile telephone number, SIM card) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Independent claims 1, 14, 22, 31, 34, 36-37 do not further limit the “mobile device identification information” be the telephone number/SIM card. Moreover it is respectfully pointed out that Adam et al. disclose SIM card which contains a unique identification (such as the phone number of the phone) at least at paragraphs [0119], [0156]. Please further note paragraph [0168] of Adam et al. recite “Once POS 52 has received the customer's (or his mobile phone) identification details in communication message 56...”.

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- c. In response to applicant's arguments, the recitation identity information for a mobile device of a user (see claim 34) has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH M. MONFELDT whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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